



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30.07.2021
PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)No.10187 of 2021

1.A.Irulappan
2.A.Bose
3.M.Andisamy
4.K.Rajkumar
5.S.Rajesh

... Petitioners/Accused Nos. 3,5,7,8,9

Vs

The State Represented by,
The Inspector of Police,
Aviyoor Police Station,
Virudhunagar.
Crime No.133 of 2017

... Respondent/Complainant

For Petitioners : Mr.S.THIRUNAVUKARASU, Advocate.
For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate(Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.133 of 2017 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.133 of 2017, seek anticipatory bail.

2.The case of the prosecution is that on 17.07.2017, at about 03.00 pm, when the defacto complainant's son was standing in Meenatchipuram Four Way Road Bus Stop, the accused tried to attack him and when the defacto complainant intervened, they scolded them in filthy language, stating that the defacto complainant belongs to lower community. Thereafter, there was a wordy quarrel between them. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. However, he submitted that no injury was caused to the defacto complainant and others.

5. It is seen from the facts of the case that there was a wordy quarrel between the defacto complainant and the accused. There was no injury caused to the defacto complainant and others. Taking note of the nature of the incident, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.2, Virudhunagar on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/07/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO. 2
VIRUDHUNAGAR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
AVIYOOR POLICE STATION,
VIRUDHUNAGAR.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.THIRUNAVUKARASU Advocate SR.No.5023 Date:03/08/2021

ORDER
IN
CRL OP(MD) No.10187 of 2021
Date :30/07/2021

SA/JM/SAR.2/04.08.2021/3P/6C